

REMARKS

In response to the above Office Action, claims 1, 10, and 21 have been amended to make it clear that the support material is "pretreated" with a source of a transitional metal atom "before the support material is contacted with (a) and with (b)." In the case of claim 1, this would be the metallocene (a) and the activator (b). In the case of claim 10, the metallocene (a) and the cocatalyst (b) and in the case of claim 21, the transition metal compound (a) and the activator (b). This is supported by the Examples, where in Example 1 the silica is treated with an aqueous FeSO₄ solution, and it is this pretreated silica that is used in the subsequent Examples to form the supported catalyst system. See also Example 6 where the silica is pretreated with iron and copper sulfates before it is used in the subsequent Examples.

Applicants agree with the Examiner's comments set forth in paragraph 1(a) of the Office Action.

With respect to paragraph 1(b), claim 24 has been amended to change VIB to IVB. A similar amendment has been made to page 6 to correct this error. Support for the correction can be found, for example, on page 6, line 1 of the specification. Applicants appreciate the Examiner pointing out this typographical error.

In the Office Action the Examiner rejected claims 1, 2, 10-12, 14-17, and 19 under 35 U.S.C. §102(e) for being anticipated by Shih and claims 18 and 20 under 35 U.S.C. §103(a) for being obvious over Shih. Of this group of claims, dependent claims 6-9, and 13 are considered to contain allowable subject matter. However, it is believed claims 1, 2, 10-12, and 14-20 are also allowable over Shih for the following reasons.

With respect to Shih the Examiner specifically refers to the Examples.

Example 1 relates to the preparation of MgO support materials and Examples 2-4 to supported catalyst compositions. In each of the Examples the supports are treated simultaneously with both an iron-containing transition metal compound and a metallocene. This is different from the present invention where the support is pretreated with a source of transition metal. As defined in the claims, this means that the support is treated with a source of a transition metal atom in a separate stage before the support is contacted with the other catalyst components.

Shih may teach dual catalyst systems where two transition metal compounds are used as polymerization catalyst components, but the support is not “pretreated” with one before it is treated with the other. The Examiner uses the word “then” in characterizing the disclosure of Shih’s Examples, but in Example 2 for instance, the support is treated with the iron complex and the metallocene together, not one after the other. See paragraph [0377]. The same is true with Example 3. See paragraph [0380].

Accordingly, it is submitted that claim 1 and claims 2, 10-12, 14-17, and 19 dependent therefrom cannot be considered to be anticipated by Shih. Its withdrawal as a ground of rejection under §102(e) is therefore requested.

With respect to the rejection of claims 18 and 20 for being obvious over Shih, the subject matter of these claims may be known in the polymerization art, but not in combination with the subject matter of claim 1 or 10 from which these claims depend. Thus it is submitted these claims are also patentable over Shih.

The Examiner also rejected claims 21-23, 26, 27, and 30-34 under 35 U.S.C. §102(b) for being anticipated by Wenzel et al. (hereafter Wenzel) and

claims 27 and 28 under 35 U.S.C. §103(a) for being obvious over Wenzel, It is noted the Examiner included claim 27 in both the 102(b) and 103(a) rejections. Of this group of claims, dependent claims 24, 25, and 29 are considered to contain allowable subject matter.

First of all, as noted in the Reply filed July 24, 2006, claim 21 was claim 6 written in independent form. Since the Examiner had indicated in the Office Action of March 24, 2006 and again in the Office Action of October 19, 2006, that claim 6 contains allowable subject matter, it is not understood why claim 21 and claims 22, 23, 26-28, and 30-34 dependent therefrom are not allowable for this reason. The same is true with respect to claim 26 dependent from claim 21, which covers the same subject matter as allowed claim 7 dependent from claim 6.

Secondly, Wenzel refers to supported catalyst systems wherein different transition metal compounds are supported and combined together to give a dual catalyst system. Again, it is submitted that the catalysts prepared in Wenzel are not the same as the "pretreated" supports of the present invention. The example in Wenzel describes a silica/MAO component treated with a bisCp metallocene to provide catalyst A. In a separate step catalyst B was prepared in the same way, but using a different metallocene. Catalyst A and B are then dry blended together. This is not the same as Applicants' method where the support is pretreated with the transition metal atom before it is contacted with the claimed transition metal compound and the claimed activator.

In any event, whether the Examiner agrees or not, it is believed these claims are patentable over Wenzel because of the claimed activator (b) which is the same activator claimed in allowable claim 6. It is not seen where this activator is disclosed in Wenzel.

In the Office Action of October 19, 2006 the Examiner cited the references to Shih and Wenzel for the first time, but no Form PTO-892 was included. It would be appreciated if the Examiner would include the Form in his next communication.

It is believed claims 1, 2, and 6-34 are in condition for allowance.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

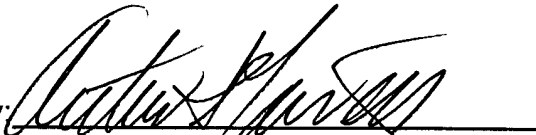
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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